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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,557	12/21/1999	GREGORY ROSE	PA990485	3776

23696 7590 12/12/2003

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER
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MEISLAHN, DOUGLAS J

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 12/12/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/468,557

Applicant(s)

ROSE ET AL.

Examiner

Douglas J. Meislahn

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the "original and first" clause states that the inventor is the "sole" inventor, despite there being two named invention in the instant application.

### ***Claim Objections***

2. Claim 1, 7, and 13 are objected to because of the following informalities: before user, "a" should be "an". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5, 11, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. All three claims recite "the value" as their final words, which could refer to either "the exponentiated value" or "the derived value". As such, the claim is indefinite. The claims have been examined as though "the value" read "the derived value".

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2132

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 7-9, 13-15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (5796952) in view of Fieres et al. (5841870).

In lines 5-24 of column 2, Davis et al. show a standard cookie procedure, with an user submitting information to a recipient, that information being incorporated into a cookie that is placed in the user's computer, and the user sending the cookie, which acts as an identifier, to the recipient. As this applies to the first claim, the recipient's creation of the cookie reads on constructing a response that includes information submitted by an user. The placement of the cookie in the user's computer renders obvious sending the response to the user. And, returning the cookie to the recipient reads on returning a response. Davis et al. do not say that the cookie is a puzzle. In lines 45-52 of column 8, Fieres et al. teach using puzzles to prove identities. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for Davis et al.'s cookie to be a puzzle, as taught by Fieres et al., so that the user's identity would be proven.

Davis et al.'s cookies include user preferences, which render obvious demographic information and thus claim 2. Selecting preferences obviously can include an identity of the user, thereby rendering claim 3 obvious.

Claims 7-9 and 13-15 are rejected for largely the same reasons as claims 1-3 because they contain the same limitations embodied in different statutory classes.

Art Unit: 2132

Claim 19 is rendered obvious because cookies are meant to be used by multiple users.

The limitations of claim 20 are met by Fieres et al.'s puzzles.

8. Claims 4, 6, 10, 12, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. and Fieres et al. as applied to claims 1, 7, and 13 above, and further in view of Menezes et al. (*Handbook of Applied Cryptography*).

Davis et al. and Fieres et al. render obvious a cookie system in which the cookie doubles as a puzzle that can prove a cookie-holder's identity. They do not say that the cookie is created by altering information received from an user and then exponentiating the result. On pages 403-404, Menezes et al. teach challenge-response authentication based on public-key decryption. In this method, a challenge is concatenated with a name and encrypted with an user's public key. The result is sent to the user, who decrypts the encrypted challenge and sends it back, thereby verifying its identity. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the identity verification technique described in Menezes et al.'s book as the puzzle in Davis et al. and Fieres et al.'s combined system. The witness reads on portion of the derived value that is combined with the exponentiated value. The scope of Menezes et al.'s public key algorithm encompasses the limitations of claim 6. Claims 10, 12, 16, and 18 are rendered obvious for largely the same reasons.

#### ***Allowable Subject Matter***

9. Claims 5, 11, and 17 would be objected to as being dependent upon a rejected base claim were they not rejected under 35 USC 112, but they would be allowable if

amended to remove the 112 rejection and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

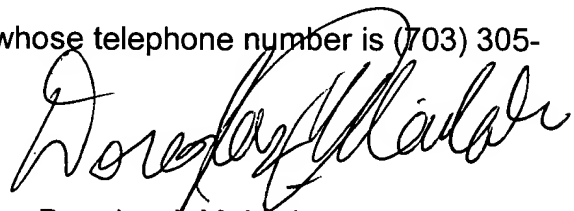
**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Benson (6301660), Cuccia et al. (6151676), Fieres et al. (6148083), Hoyle (6141010), Reifman et al. (5917615), Scott et al. (5311596) and Bellovin et al. (5241599).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached on between 9 AM and 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Douglas J. Meislahn  
Examiner  
Art Unit 2132



DJM